

**ORDINANCE NO. 5
SERIES 2004**

AN ORDINANCE VACATING THE EXTENSION OF VIRGINIA AVENUE AND A NORTH-SOUTH ALLEY, BOTH LOCATED IN AN UNPLATTED AREA OF THE CITY OF GUNNISON, EAST OF ADAMS STREET AND NORTH OF TOMICHI AVENUE.

WHEREAS, the applicant, Tomichi Landmark No. 2, LLC, submitted an application for vacating public property requesting the City of Gunnison to vacate the extension of Virginia Avenue located east of Adams Street and a north-south alley located east of Adams Street and north of Tomichi Avenue in connection with its proposed platting of the area as the Meldrum Subdivision; and

WHEREAS, the proposed platting of the Meldrum Subdivision will dedicate to the City of Gunnison alternative street alignments and public utility easements; and

WHEREAS, the subject street and alley have never been developed, never been used as public thoroughfares, and have never been opened for public use; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison held a public hearing upon the proposed vacation on September 24, 2003, and has made a recommendation to the City Council that the City Council proceed with the requested street and alley vacation; and

WHEREAS, the proposed final plat of Meldrum Subdivision is now ready for approval.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:

Section 1. Findings of Fact. Based upon the application for street and alley vacation, the supporting materials submitted therewith, and the evidence adduced at the public hearing conducted by the Planning Commission of the City of Gunnison, the City Council hereby finds as follows:

a. That the applicant, Tomichi Landmark No. 2, LLC, is the owner of all the property surrounding and abutting the street and alley to be vacated.

b. That no properties, other than those of the applicant, would be denied access by the proposed vacation.

c. That in connection with the final platting of the Meldrum Subdivision, alternative street rights-of-way, utility easements, and access easements are to be dedicated.

d. That the street and alley to be vacated have never been constructed, nor have they ever been used as public thoroughfares.

e. That the alley was initially reserved through Ordinance No. 6, Series 1986, for installation, maintenance, and repair of utilities; such utilities have never been installed in the alley.

f. That no member of the public has objected to the proposed street and alley vacation.

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Section 2. Vacation. The street and alley which are vacated by this ordinance are more particularly described in Exhibits A and B, attached hereto and incorporated herein by this reference.

Section 3. Title. The title to such vacated street and alley shall vest in accordance with the provisions of C.R.S. 43-2-302.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 8th day of June, 2004, on first reading, and introduced, read, passed and adopted on second and final reading this 22nd day of June, 2004.

Mayor

ATTEST:

City Clerk